

ZONING CHANGE REVIEW SHEET

CASE: C14-2008-0244 – Najib 0.7

Z.A.P. DATE: January 20, 2009
February 3, 2009

ADDRESS: 3133 East State Highway 71 Westbound

OWNER: Najib F. Wehbe

AGENT: Jim Bennett Consulting
(Jim Bennett)

ZONING FROM: I-SF-2 **TO:** CS

AREA: 0.7 acres (30,492 square feet)

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant community commercial – conditional overlay (GR-CO) combining district zoning. The Conditional Overlay limits development to less than 2,000 vehicle trips per day.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

January 20, 2009: *POSTPONED BY THE ZAP COMMISSION TO FEBRUARY 3, 2009.*
[C. HAMMOND; D. TIEMANN -2ND] (4-0) K. JACKSON; T. RABAGO; R. EVANS -
ABSENT

February 3, 2009: *APPROVED GR-CO DISTRICT ZONING WITH THE CONDITIONAL*
OVERLAY LIMITING DEVELOPMENT OF THE PROPERTY TO 2,000 VEHICLE TRIPS
AND PROHIBITING AUTOMOTIVE REPAIR SERVICES AND AUTOMOTIVE WASHING
(OF ANY TYPE) AND PAWN SHOP SERVICES.
[K. JACKSON; T. RABAGO -2ND] (7-0)

ISSUES:

The Applicant is in agreement with the recommendation of the Zoning and Platting Commission.

DEPARTMENT COMMENTS:

The subject zoning area is undeveloped and located on the westbound lanes of East SH 71 at its intersection with Royster Avenue. The property was annexed into the City in September 2001 and is zoned interim-single family residence standard lot (I-SF-2) district. The property is located just outside of the Airport Overlay Zone-3 district, also known as the ½ mile buffer. There are single family residences to the north and east (I-SF-2); commercial uses, including a restaurant and auto-related uses to the west (I-SF-2; GR-CO; CS-CO). Please refer to Exhibits A (Zoning Map), A-1 (Aerial View) and A-2 (Airport Overlay Map).

The Applicant proposes general commercial services (CS) district zoning on the property in order to be able to develop it with unspecified commercial uses. The Staff recommends the community commercial – conditional overlay (GR-CO) combining district based on its location on SH 71, an arterial roadway and it is consistent and compatible with adjacent commercial zoned property to the west. The Conditional Overlay limits the number of daily vehicle trips to 2,000.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-SF-2	Undeveloped
<i>North</i>	I-SF-2	Single family residences
<i>South</i>	I-RR; CS-CO; P	Undeveloped; Service station with food sales; Auto washing
<i>East</i>	I-SF-2	Single family residences; Undeveloped
<i>West</i>	I-SF-2; GR-CO;	Undeveloped; Single family residences; Restaurant; Automotive repair

AREA STUDY: N/A

TIA: Is not required

WATERSHED: Colorado River

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

511 – Austin Neighborhoods Council 627 – Onion Creek Homeowners Association
 774 – Del Valle Independent School District
 786 – Home Builders Association of Greater Austin
 1005 – Elroy Preservation Association
 1037 – Homeless Neighborhood Organization 1075 – League of Bicycling Voters
 1113 – Austin Parks Foundation

SCHOOLS:

The subject property is within the boundaries of the Del Valle Independent School District.

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2008-0235 – Downstream 973- Mary Street – 3100 Mary Street	I-SF-2 to GR	To Grant LR-CO with conditions of additional r-o-w on FM 973	Scheduled for CC 2- 12-09.
C14-2008-0232 – Downstream 973 –	I-SF-2; RR to LO	To Grant LO-CO with conditions of additional	Scheduled for CC 2- 12-09.

3026 South FM 973 Road		r-o-w on FM 973	
C14-05-0017 – Highway 71 – 3103 Highway 71 East	I-SF-2 to GR-CO	To Grant GR-CO	Approved GR-CO with CO for 2,000 trips (4-7-05).
C14-01-0186 – State Highway 71 East 3039 – 3039– 3101 East SH 71	I-SF-2; RR to LI	To Grant CS-CO with added conditions	Approved CS-CO with CO for 15' vegetative buffer along Meldrum Rd., prohibit adult businesses, B & B residential (Groups 1&2); campground, cocktail lounge, commercial blood plasma center, custom mfg, funeral services, hotel-motel, indoor/outdoor entertainment, indoor / outdoor sports and recreation, marina, pawn shops, scrap & salvage, special use historic, stables, theater, vehicle storage (5-16-02).
C14-01-0075 – Shave Ice Stand – 3201 Highway 71 East	I-SF-2 to GR	To Grant GR-CO	Approved GR-CO with CO for 2,000 trips (7-19-01).
C14-01-0027 – High Performance Automotive – Highway 71 East at Cheviot Lane	I-SF-2 to GR	To Grant GR-CO	Approved GR-CO with CO for 2,000 trips (4-19-01).

RELATED CASES:

The property is platted as Lots 1-4, Block B, A.L. Royster Addition, a subdivision filed in April 1946 (C8-1946-1741). Please refer to Exhibit B.




The property was annexed into the City limits on September 6, 2001 (C7a-01-002).

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Bus Routes
Royster Lane	52 feet	25 feet	Local	No	No	No
SH 71	190 feet	Varies	Highway	No	No	No

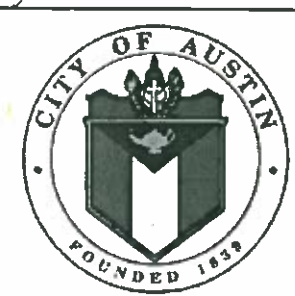
CITY COUNCIL DATE: February 12, 2009**ACTION:****ORDINANCE READINGS:** 1st2nd3rd**ORDINANCE NUMBER:****CASE MANAGER:** Wendy Rhoades
e-mail: wendy.rhoades@ci.austin.tx.us**PHONE:** 974-7719



 **SUBJECT TRACT**
 **ZONING BOUNDARY**
 **PENDING CASE**
OPERATOR: S. MEEKS

ZONING
ZONING CASE#: C14-2008-0244
ADDRESS: 3133 E SH 71 WB
SUBJECT AREA: 0.700 ACRES
GRID: P17
MANAGER: W. RHOADES

Exhibit A



1" = 400'

This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

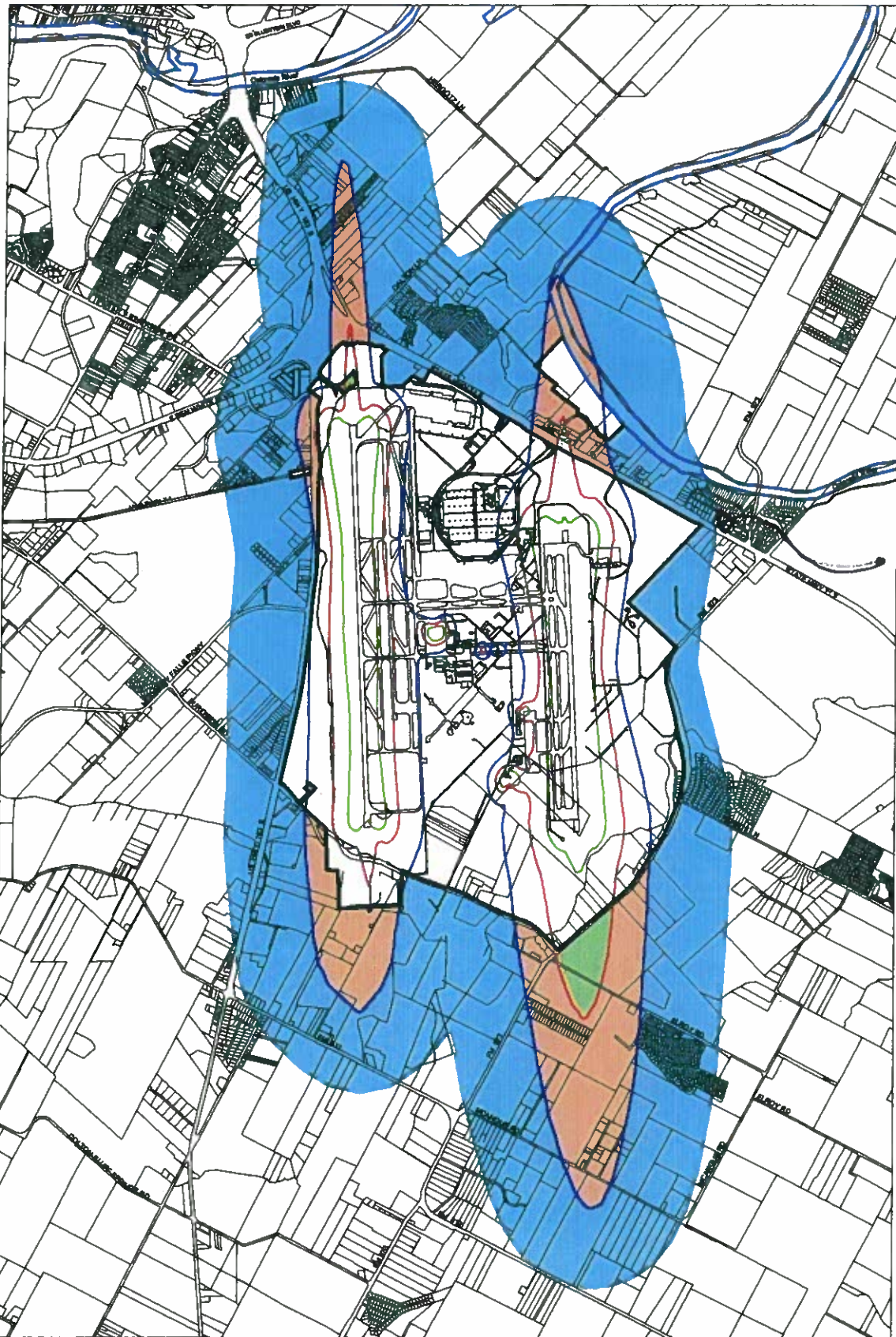


Subject Tract

EXHIBIT A-1

FILED 1203 ERTS VOL 632 PAGE 616

EXHIBIT B
RECORDED PLAT



Austin-Bergstrom International Airport

Proposed Airport Overlay Zones

Produced by: Infrastructure
Support Services



Date Plotted: August 7, 2001

- Airport Overlay Zone AO-1
- Airport Overlay Zone AO-2
- Airport Overlay Zone AO-3 - 1/2 mile buffer
- 65 DNL Contour
- 70 DNL Contour
- 75 DNL Contour
- Airport Property Boundary

EXHIBIT
A-2

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant community commercial – conditional overlay (GR-CO) combining district zoning. The Conditional Overlay limits development to less than 2,000 vehicle trips per day.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

Staff recommendation: The proposed GR, Community Commercial district is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major trafficways.

2. *Zoning changes should promote an orderly and compatible relationship among land uses.*

The Staff recommends the community commercial – conditional overlay (GR-CO) combining district based on its location on SH 71, an arterial roadway and it is consistent and compatible with adjacent commercial zoned property to the west. The Conditional Overlay limits the number of daily vehicle trips to 2,000.

EXISTING CONDITIONS**Site Characteristics**

The subject property is undeveloped, relatively flat and gently slopes to the north. There appear to be no significant topographical constraints on the site.

Impervious Cover

The maximum impervious cover allowed by the *GR zoning district* is 80%, a consistent figure between the zoning and watershed regulations.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Colorado River Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

Transportation

No additional right-of-way is needed at this time.

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City

inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

Site Plan and Compatibility Standards

Properties which have interim single family zoning (e.g. I-SF-2) are not protected by compatibility standards, unless the property has an existing single family use. If these abutting properties are used for single family residences or properties within 540 feet have existing single family residences, these comments will apply.

The site is subject to compatibility standards. Along the east, west, north and south property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

Additional design regulations will be enforced at the time a site plan is submitted.

Any new development is subject to Subchapter E: *Design Standards and Mixed Use*. Additional comments will be made when the site plan is submitted.

This property is outside of the Airport Overlay Zone AO-1, AO-2, or AO-3 which limits development on this property. However, this property is within the Controlled Compatible Land Use Area defined by Chapter 241 of the Local Government Code. Development on this property is limited by Chapter 25-13 of the Austin City Code. Airport hazards as defined in Federal Aviation Regulations Part 77, as adopted by the City in Sections 25-13-23, are prohibited. For more information, contact Joe Medici, Noise Abatement Officer at (512) 530-6652.

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2008-0244

Contact: Wendy Rhoades, (512) 974-7719

Public Hearing:

January 20, 2009 Zoning and Platting Commission
February 12, 2009 City Council

☒ I am in favor
☐ I object

FRANK EDWARD FRANKS

Your Name (please print)

7301 Hwy 71 East

Your address(es) affected by this application

Frank Edward Franks

Signature

Jan. 18-09

Date

Comments:

It will help the property
up and down the road.

Thank

Mark Frank

ph #512. 771. 2691

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Wendy Rhoades}

P. O. Box 1088

Austin, TX 78767-8810